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C O N F I D E N T I A L GUATEMALA 000582

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DEPT FOR WHA/CEN, WHA/EPSC, EEB/BTA, AND DRL/ILCSR
DEPT PLS PASS TO USTR LAURA BUFFO

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TAGS: [ELAB](#) [ECON](#) [ETRD](#) [PGOV](#) [PHUM](#) [KDEM](#) [PREL](#) [KJUS](#) [GT](#)
SUBJECT: UPDATE ON SITRABI CASE OF THE CAFTA-DR LABOR
COMPLAINT

REF: GUATEMALA 514

Classified By: Pol/Econoff Brenna Dougan for reasons 1.4 (b,d)

11. (C) Summary: On May 29 Poloff met with AFL-CIO Solidarity Center Central America Representative Rob Wayss and Banana Workers' Union of Izabal (SITRABI) representative Cesar Humberto Guerra Lopez. Guerra updated Poloff on the outcome of SITRABI's most recent meetings with the GOG. The first meeting, with the Ministry of Government's Vice Minister for Justice, Angel Donald Gonzalez Cuevas (reftel), allowed SITRABI to voice its continued concerns for security to guard against the entry of unauthorized individuals at the banana farms in Izabal Department. The Vice Minister asked SITRABI to submit another written request for security and reportedly told SITRABI representatives he would review the request and, if necessary, would act on it. SITRABI also met with the Minister of Labor and Social Welfare, Edgar Alfredo Rodriguez, who informed SITRABI he had been briefed on the meetings SITRABI had with other GOG officials. Guerra thanked Poloff for the May 28 visit of Emboffs to Bandegua property in Izabal, including to Yuma farm, site of the 2007 murder of Marco Tulio Ramirez Portela, and one of the farms included in SITRABI's request for security. The farm is located near the buildings Bandegua prepared to house a police sub-station, mentioned in USDOL's Public Report on the CAFTA-DR labor complaint. The sub-station is still a point of contention between the Ministry of Government and Bandegua and SITRABI; Bandegua prepared the buildings, but the Ministry never sent the police. Emboffs verified the existence and condition of the structures and can confirm there is not a police patrol currently stationed on the farms. End Summary.

SITRABI Meeting with Vice Minister of Government

12. (C) On May 27, representatives from SITRABI, as well as representatives from Bandegua, met with the Ministry of Government's Vice Minister for Justice, Angel Donald Gonzalez Cuevas (reftel). SITRABI discussed its continuing concerns over security at banana farms in Izabal Department, which include the undocumented entry of persons onto the farm and the increase in death threats to members of SITRABI's executive board. Since the September 2007 murder of SITRABI executive board member Marco Tulio Ramirez Portela, SITRABI has submitted numerous petitions to the Ministry of Government requesting increased police patrols in and around the farms and surrounding communities, as well as the provision of personal protection for members of SITRABI's executive board. The Vice Minister reportedly asked both SITRABI and Bandegua to submit new requests for security that he would review and follow up on, as appropriate. SITRABI reported the Vice Minister was relaxed and not defensive, as he had been in the May 21 meeting (reftel). (Note: Ministry of Public Security Special Advisor Alma Luz Guerrero, the

Ministry's POC for the CAFTA-DR labor complaint has left the Ministry, effective June 1. End Note.)

Some Evidence of Increased Patrols

3.(U) SITRABI reported that the evening after the meeting with the Vice Minister, a police patrol stopped at Noe Ramirez Portela's house in Morales. Ramirez is SITRABI's Secretary General, and the only member of the SITRABI executive board who lives in the city and not on one of the farms. The police officers spoke to Ramirez, circled his Qfarms. The police officers spoke to Ramirez, circled his house, and then got back in their vehicle to continue their patrol. Ramirez was cautiously optimistic that this patrol was meant to protect not intimidate, and he hoped more such patrols would be forthcoming. However, as of June 18, there have been no additional patrols.

Police Sub-Station Ready to Go

14. (U) On May 28, Emboffs visited Bandegua property in Izabal department to see the structures Bandegua has built to serve as a police sub-station. Emboffs followed Bandegua vehicles first to Yuma farm, site of the residence and 2007 murder of Marco Tulio Ramirez Portela. There Emboffs were joined by SITRABI members, who showed Emboffs the murder site of Ramirez and who then accompanied Emboffs and Bandegua representatives to the new sub-station structures. Emboffs found the sub-station structures habitable. There are two unfurnished structures, one of which can serve as an office building with four individual rooms and a detached kitchen and bathroom. The other structure has individual dormitories and bathroom facilities. Both buildings were equipped with running water and electricity and, according to Bandegua's

Labor Relations Manager, Elvys Marquez Reyes, could house up to nine people. Marquez said that as soon as he had word a police patrol was on its way, the buildings would be outfitted with furniture for the patrol's use.

16. (U) Guerra reported to Poloff that on May 29, he and Noe Ramirez Portela met with Minister of Labor and Social Welfare Edgar Alfredo Rodriguez to discuss the lack of follow-up by the Ministry of Labor and Social Welfare on payments to workers for extra hours worked and for local holidays. SITRABI learned that the Minister had been briefed on the meeting SITRABI and others had at the Ministry of Labor on May 21 (reftel), as well as on the meeting SITRABI had with Vice Minister Gonzalez on May 27. The Minister made no commitments in reference to the SITRABI case.

Wayss Concerned about GOG Backsliding

17. (C) During the meeting with Poloff, Solidarity Center's Wayss shared his concerns related to the case. Wayss is concerned GOG has no intention of moving ahead with the investigation into the death of Marco Tulio Ramirez Portela. He shared that he knew the Ambassador had visited the Public Ministry (equivalent to U.S. Dept. of Justice) in February to urge GOG to continue the investigation. However, as Wayss has been unable to obtain an update on the case, he fears GOG intends to let the investigation drag on interminably. He also worries that if Vice Minister Gonzalez assigns a patrol to the farm, it will be only a temporary assignment. He said that after Ramirez's murder, the Ministry of Government (responsible for public security) had scheduled a regular patrol, but that the patrol officers left less than a year after the murder. Wayss also shared that the Ministry of Government has sent police officers for personal protection to leaders of other unions but required the individuals requesting protection to pay the per diem of the officers. According to Wayss, paying per diem for a police officer is more than a banana worker can afford. Guerra shared that the inability of SITRABI Executive Board members to meet the financial requirements is why they do not have personal police protection. (Note: As reported in USDOL's Public Report of Review of Office of Trade and Labor Affairs U.S. Submission 2008-01 (Guatemala), the Ministry of Government is

legally obligated to provide for the per diem and salary of those providing protection to individuals who have been authorized to receive protection. However, SITRABI's Guerra reported that the Ministry has cited budget constraints as the reason why individuals receiving protection must pay the per diem for the individuals providing protection. End Note.)

Wayss complained that it is necessary to constantly monitor the promises GOG makes, as they tend to backtrack or only partially fulfill their word. Wayss also expressed frustration that GOG sets up obstacles to obtaining justice. He specifically asked why the Ministry of Public Security would need another written request for security from SITRABI and from Bandegua when they had already received numerous written requests from both parties. He feels this is an example of GOG delaying a response and creating obstacles to justice.

18. (C) Comment: It is encouraging that Vice Minister Gonzalez followed through with the meeting with SITRABI and Bandegua representatives. It remains to be seen if the Vice Minister will follow through on the newly-submitted requests for security. It is also a good sign to hear that the Minister of Labor was knowledgeable on meetings and movements in the CAFTA-DR labor complaint. His past performance has indicated lack of knowledge and interest. Embassy shares Wayss' concern that the Ministry of Government might assign security only temporarily. This concern is based on the previous assignment of police patrols to the areas, which came during the aftermath of Ramirez's murder. However, the patrol was removed less than a year after Ramirez's murder. While we recognize that the GOG does not have enough police resources to assign protection in all cases, the SITRABI case is an emblematic one and we will continue to press the government to assign the resources needed for this case.

McFarland